

Mayerson & Hartheimer, PLLC.

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Counsel for Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNSOHN & FETNER LLC,

Debtor.

Chapter 11

Case No. 17-23707 (RDD)

**MONTHLY FEE STATEMENT OF
MAYERSON & HARTHEIMER, PLLC, AS COUNSEL FOR
THE DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD
FROM JULY 1, 2018 THROUGH AND INCLUDING JULY 31, 2018**

Pursuant to section 327, 330 and 331 of chapter 11 of title 11 of the United States Code, Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York, *the Order Authorizing the Retention of Mayerson & Hartheimer, PLLC as Bankruptcy Counsel to Debtor Effective to the Petition Date*, dated January 18, 2018 [Docket No. 36], and *the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals*, dated January 17, 2018 [Docket No. 35], (the “Interim Compensation Order”), Mayerson & Hartheimer, PLLC (“M&H”), counsel for the above-captioned debtor and debtor in possession (the “Debtor”) hereby submits this *Monthly Fee Statement of Mayerson & Hartheimer, PLLC as Counsel to the Debtor and Debtor-in-Possession*.

Possession for the Period from July 1, 2018 Through and Including July 31, 2018 (this “Fee Statement”) seeking compensation for 80% of its legal fees and reimbursement of its expenses for such Fee Period.¹ Specifically, M&H seeks (i) interim allowance of \$10,980.00 for the reasonable and necessary legal services that M&H rendered to the Debtor during the Fee Period; (ii) compensation in the amount of \$8,784.00 which is 80% of the total amount of compensation sought for actual and necessary legal services rendered during the Fee Period (*i.e.* \$10,980.00), and (iii) the allowance and payment of \$84.75 for the actual and necessary expenses that M&H incurred in connection with such services during the Fee Period. M&H represents that Debtor has sufficient funds to pay this amount, and that M&H is holding no retainer to apply against the amounts due.

Itemization of Services Rendered and Disbursement Incurred

1. Attached hereto as **Exhibit A** is a schedule of M&H professionals, including the standard hourly rate for each attorney who rendered services to the Debtor in connection with this chapter 11 case during the Fee Period and the title, hourly rate, aggregate hours worked and the amount of fees earned by each professional.
2. Attached hereto as **Exhibit B** is a schedule for the Fee period setting forth the total amount of payment sought with respect to the expenses for which M&H is seeking payment in this Fee Statement. All of these disbursements comprise the requested sum for M&H’s out-of-pocket expenses, which total \$84.75.
3. Attached hereto as **Exhibit C** are the time records of M&H, which provide a

¹ The period from July 1, 2018, through and including July 31, 2018 is referred to herein as the “Fee Period”.

daily summary of time spent by each M&H professional during the Fee Period.

Notice

4. No trustee or examiner has been appointed in this case. Pursuant to the Interim Compensation Order, notice of this Fee Statement has been served upon: (a) the Debtor, 12 Van Houten Street, Upper Nyack, New York 10960, Attn. Steven Fetner; (b) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, Attn. Brian Masumoto, Esq.; (c) Counsel to Randall Bernsohn, Tannenbaum Helpern Syracuse & Hirschtritt LLP, 900 Third Avenue, New York, New York 10022, Attn. Richard W. Trotter, Esq.; and (d) to the extent not listed herein, those parties requesting to be a Notice Party for the Monthly Fee Statements. M&H submits that, in light of the nature of the relief requested, no other or further notice need be given. Pursuant to the Interim Compensation Order, said parties have fourteen (14) days to review this Fee Statement and apprise M&H of any objection.

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WHEREFORE, M&H, in connection with services rendered on behalf of the Debtor, respectfully requests (i) interim allowance of compensation for professional services rendered during the Fee Period, in the amount of \$10,980.00, and payment for expenses incurred in connection with such services, in the amount of \$84.75, (ii) payment in accordance with the procedures set forth in the Interim Compensations Order (*i.e.*, payment of 80% of the compensation sought in the amount of \$8,784.00) and payment of 100% of expenses incurred, in the amount of \$84.75, for a total payment of \$8,868.75.

New York, New York
Dated: August 20, 2018

MAYERSON & HARTHEIMER, PLLC,

By: /s/ David H. Hartheimer

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Counsel for Debtor and Debtor in Possession

EXHIBIT A

**FEE STATEMENT OF MAYERSON &
HARTHEIMER, PLLC AS COUNSEL TO THE DEBTOR
AND DEBTOR IN POSSESSION (JULY 1, 2018 – JULY 31, 2018)**

The M&H attorneys and paraprofessionals who rendered services during the Fee Period are:

TIME KEEPER	POSITION WITH THE APPLICANT	YEAR FIRST ADMITTED	HOURLY BILLING RATE*	TOTAL BILLED HOURS	TOTAL COMPENSATION
David H. Hartheimer	Member	1990	\$600.00	15.70	\$9,420.00
Sandra E. Mayerson	Member	1976	\$600.00	2.60	\$1,560.00
TOTAL FOR TIME KEEPERS				18.30	\$10,980.00

* Time Keepers' non-working travel time is billed at 50% of normal Hourly Billing Rate.

EXHIBIT B

Date Start: 7/1/2018 | Date End: 7/31/2018 | Clients: Bernsohn & Fetner, LLC | Matters: Chapter 11 | Users: | Group By: Client

Expense Date	Client	Matter	User	Expense Type	Status	Cost	Bill Price
Bernsohn & Fetner, LLC							
07/16/2018	Bernsohn & Fetner, LLC	Chapter 11	David Hartheimer	E101 - Copying	Ready For Billing	\$84.75	\$84.75
Totals Billable Amounts for Bernsohn & Fetner, LLC						\$84.75	\$84.75
						Grand Total	\$84.75

EXHIBIT C

Date	User	Description	Rate/ Unit Price	Billable Time/ Cost Price	Bill Amt/ Sell Price
Bernsohn & Fetner, LLC					
Chapter 11					
07/02/2018	David Hartheimer	Tc with client regarding [REDACTED]	\$600.00 hr	0.10	\$60.00
07/02/2018	David Hartheimer	Review email from BMW on status and amount of claim. Call with BMW on same. Call with client on same.	\$600.00 hr	0.40	\$240.00
07/03/2018	David Hartheimer	Call with BMW re proofs of claim. review email from BMW on same. Email to client [REDACTED].	\$600.00 hr	0.30	\$180.00
07/05/2018	David Hartheimer	TC with L. Patt of Vernon, re [REDACTED]	\$600.00 hr	0.20	\$120.00
07/05/2018	David Hartheimer	Email to S. Fetner re [REDACTED].	\$600.00 hr	0.10	\$60.00
07/11/2018	Sandra Mayerson	Participate in meeting with L. Patt and DHH re [REDACTED]	\$600.00 hr	2.10	\$1,260.00
07/11/2018	David Hartheimer	Meet with SEM and L. Patt to [REDACTED]	\$600.00 hr	2.20	\$1,320.00
07/12/2018	David Hartheimer	Attention to creation of claims binder.	\$600.00 hr	0.50	\$300.00
07/12/2018	David Hartheimer	Create objection summary. For all claims.	\$600.00 hr	1.00	\$600.00
07/13/2018	David Hartheimer	Legal research on [REDACTED]	\$600.00 hr	0.50	\$300.00
07/15/2018	Sandra Mayerson	Texts and conf DHH re [REDACTED]	\$600.00 hr	0.30	\$180.00
07/16/2018	David Hartheimer	Prepare for and meet with S. Fetner and L. Patt [REDACTED]	\$600.00 hr	2.80	\$1,680.00
07/16/2018	David Hartheimer	Legal research on [REDACTED]	\$600.00 hr	2.10	\$1,260.00
07/18/2018	Sandra Mayerson	Review and revise monthly operating report	\$600.00 hr	0.10	\$60.00
07/18/2018	David Hartheimer	Call with S. Fetner re [REDACTED]	\$600.00 hr	0.20	\$120.00
07/18/2018	David Hartheimer	Call with L. Patt of Vernon on modification of monthly operating report.	\$600.00 hr	0.20	\$120.00
07/19/2018	David Hartheimer	Email to M. Rogers, Construction counsel, re [REDACTED].	\$600.00 hr	0.20	\$120.00
07/19/2018	David Hartheimer	Call with Nisan to see if we can stipulate to reject the lease.	\$600.00 hr	0.30	\$180.00
07/19/2018	David Hartheimer	Call with BMW D Pearson to negotiate a rejection of lease and settlement of claim. Call with m. Mooney, counsel to BMW to negotiate stipulation. Call with S. Fetner [REDACTED]	\$600.00 hr	0.80	\$480.00
07/19/2018	David Hartheimer	draft email with proposed settlement to BMW.	\$600.00 hr	0.30	\$180.00
07/20/2018	David Hartheimer	Preparing Monthly Fee Statement for June 2018. Prepare time records for redaction. Prepare exhibits to fee statement.	\$600.00 hr	1.00	\$600.00
07/20/2018	David Hartheimer	Review Vernon fee statement. TC with L. Patt re suggested revision. Reviewing revised fee statement filing on ecf	\$600.00 hr	0.30	\$180.00
07/20/2018	David Hartheimer	TC with L. Patt of Vernon (financial advisor) re [REDACTED]	\$600.00 hr	0.10	\$60.00
07/20/2018	David Hartheimer	Finalize June 2018 fee statement and file on ECF.	\$600.00 hr	0.50	\$300.00
07/20/2018	David Hartheimer	Review email from M. Mooney re resolution of claims BMW holds against the debtor.	\$600.00 hr	0.10	\$60.00
07/23/2018	David Hartheimer	TC with C. Otton re [REDACTED]. Prepare material for transmission to Otten. Email to Otton on same.	\$600.00 hr	0.30	\$180.00
07/23/2018	David Hartheimer	email to US Trustee with operating report.	\$600.00 hr	0.10	\$60.00
07/31/2018	David Hartheimer	Review BMW's motion to lift stay.	\$600.00 hr	0.20	\$120.00
07/31/2018	David Hartheimer	TC with S. Fetner re [REDACTED]. Personal injury litigation and bmw's motion to lift stay b	\$600.00 hr	0.10	\$60.00
08/02/2018	David Hartheimer	Call with counsel for BMW. Re lift stay motion and proposed stipulation. Review lift stay motion	\$600.00 hr	0.30	\$180.00
08/02/2018	David Hartheimer	TC with C. Solomon re [REDACTED].	\$600.00 hr	0.30	\$180.00
08/02/2018	David Hartheimer	Call with IRS on post petition claim. Call with L. Patt [REDACTED]. Review email from L Patt [REDACTED].	\$600.00 hr	0.30	\$180.00
Total Labor For Chapter 11				18.30	\$10,980.00
Total Expense For Chapter 11				\$0.00	\$0.00
Total For Chapter 11				\$10,980.00	
Total Labor For Bernsohn & Fetner, LLC				18.30	\$10,980.00
Total Expense For Bernsohn & Fetner, LLC				\$0.00	\$0.00
Total For Bernsohn & Fetner, LLC				\$10,980.00	
Grand Total Labor				18.30	\$10,980.00
Grand Total Expenses				\$0.00	\$0.00
Grand Total				\$10,980.00	